

CITY COUNCIL AGENDA

JUNE 12, 2001

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
GEORGE SHIRAKAWA, JR.
DAVID D. CORTESE
JOHN DIQUISTO
PAT DANDO

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support Services** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Economic and Neighborhood Development** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Recreation and Cultural Services** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation Services** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- **Environment and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Aviation Services** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- **Public Safety Services** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.ci.san-jose.ca.us/cty_clk/agenda.htm

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

- **Call to Order and Roll Call**

9:35 a.m. - Closed Session, Room 600, City Hall

Absent - Council Members: Chavez (excused).

1:36 p.m. - Regular Session, Council Chambers, City Hall

Absent - Council Members: None.

- **Invocation (District 6)**

The Cory Academy Choir, comprised of 40 second grade students from the Cory Elementary School, performed a medley of songs under the direction of Music Teacher, Jo Anne Warburton, and Program Administrator Sandy Wun. Accompanied by parent chaperones Linda Funk and Sandra Recio, the following students participated: Ariana Andino, Corrina Autra, Ramiro Bejinez, Nina Bradley, Mercedes Calles, Erika Chavez, Jasmin Collins, Joel De Alba, Tammy Do, Adriana Doyle, Karri Funk, Luis Garcia, Mary Gonzalez, Monica Guzman, Isis Harris, Katelyn Harris, Taylor Jackson, Crystal Kampschaefer, Aine Kline, Michelle Lopez, Ashley Lyons, Caitlin Miller, Edgar Pacheco, Jazmin Pono, Frankie Pursley, Pamela Recio, Amy Roberts, Ariel Romero, Angela Salcedo, Kenneth Savage and Taylor Turner.

- **Pledge of Allegiance**

Mayor Gonzales led the Pledge of Allegiance.

- **Orders of the Day**

Approved.

**ITEMS 10.1 AND 10.2 CONSIDERED IN A JOINT CITY
COUNCIL/REDEVELOPMENT AGENCY BOARD SESSION.**

1 CEREMONIAL ITEMS

- 1.1 Presentation of the Annual Redevelopment Agency Employee Recognition Awards.
(Redevelopment Agency)
(Rules Committee referral 6/6/01)

Mayor Gonzales was joined at the podium by Redevelopment Executive Director Susan Shick, for presentation of Employee Recognition Awards to the following Redevelopment Agency Staff: Administrative Assistant Maryann Gibbons, Senior Development Officer of Neighborhood and Industrial Development Anne Stedler; Project Manager of the Project Management Division, Dolores Montenegro; Development Specialist of the Housing & Real Estate Division, Eva Klinger; Accounting Technician of the Finance and Administrative Division, Holly Le; Senior Landscape Architect of the Project Management Division, Martin Flores, and Senior Development Officer of the Downtown Management Division, Kelly Kline.

2 CONSENT CALENDAR

Notice to the public: There is separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

2.1 Approval of Minutes.

Recommendation: Approval of City Council Minutes for:

- (a) Regular Meeting of March 13, 2001
- (b) Joint City Council/Redevelopment Agency Board Meeting of March 13, 2001
- (c) Regular Meeting of March 20, 2001

Approved.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 26398 - Amending Chapter 4.04 of Title 4 of the San José Municipal Code by adding a new Section 4.04.055 to authorize the City Manager, City Attorney, City Auditor, and City Clerk to approve minor amendments to contracts previously approved by the City Council which involve no increase in compensation: to extend the term up to 6 consecutive months, to make minor revisions to scopes of services and to make clerical corrections; and to approve assignments of contracts.

Ordinance No. 26398 adopted.

2 CONSENT CALENDAR

2.2 Final Adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (b) ORD. NO. 26399 – Amends Section 4.46.039.5 of Chapter 4.46, Section 4.47.092 of Chapter 4.47, Section 4.54.038 of Chapter 4.54, and Section 4.64.035 of Chapter 4.64 of Title 4 of the San José Municipal Code, to extend the suspension of collection of taxes imposed under such chapters for new construction of housing for very low income households to June 30, 2006.

Ordinance No. 26399 adopted.

2.3 Approval of the reorganization and annexation of territory designated as Lick No. 27.

Recommendation: Adoption of a resolution authorizing the reorganization of territory designated as Lick No. 27, which involves the annexation to the City of San José of 148.8 acres of land, located east of Zanker Road, west of Coyote Creek, north and south of SR-237 and generally bounded by the City of San José Annexation #735 – Lick No. 6, the City of San José Annexation #1960 – Lick No. 17, the City of Milpitas Annexation 1986-Lick No. 2, and the detachment of the same from the appropriate special districts including the Central Fire Protection District, County Library Service Area, and Santa Clara Valley County Water. CEQA: Resolution No. 70259. Council District 4. (Planning, Building and Code Enforcement)
(Deferred from 5/29/01 – Item 2.12)

Deferred to 6/19/01.

2.4 Approval to amend the agreement for the Airport Master Plan Mitigation and the California Air Resources Board certification.

Recommendation: Approval of a first amendment to the agreement with Bevilacqua-Knight Inc., for the preparation of studies, analyses, and tasks to assist with complying with the Airport Master Plan Mitigation and the California Air Resources Board certification of the Master Plan, increasing maximum compensation by \$50,000, from \$50,000 to \$100,000, and extending the term through June 30, 2002. (Airport)

Approved.

2.5 Approval to amend several service center ground leases at the San José International Airport.

Recommendation: Approval of the amendments to the service center ground leases with Avis Rent A Car System, Inc., Budget Rent A Car Systems, Inc., Dollar Rent A Car Systems, Inc., and The Hertz Corporation, and the fifth amendment to the ground lease with National Car Rental System, Inc., to add temporary car storage space for each company, with annual estimated combined revenue to the City of \$295,487. CEQA: Resolution No. 67380. (Airport)

Approved.

2 CONSENT CALENDAR

2.6 Approval to amend the lease agreement with United Airlines for Terminal C office space.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute a first amendment to the lease agreement for airport premises with United Airlines Inc. for Terminal C office space, to extend the term from August 1, 2001 to November 30, 2007, with projected annual revenue to the City in the amount of \$10,000/FY00-01. CEQA: Resolution No. 67380. (Airport)

Deferred to 6/26/01.

2.7 Approval to replace a bond certificate for an investor who has misplaced a San José Improvement District Bond Certificate.

Recommendation: Adoption of a resolution authorizing the replacement of a bond referred to as: Bond Owner, Kenneth H. Stringfellow & Myrtle A. Stringfellow Trust; Bond Lost, Certificate No. 853; Issue, City of San José Improvement District No. 83-176SJ CUSIP Number 798160JK4; Date Lost, Unknown; Principal, \$5,000; and, Trustee/Payee Agency & Indemnity Bond Company, U.S. Bank, N.A. Seaboard Surety Company. (Finance)

Resolution No. 70404 adopted.

2.8 Approval of open purchase orders for the purchase of supplies, materials, equipment, and services.

Recommendation: Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2000-2001 #47, and authorization for the Director of General Services to execute the purchase orders. (General Services)

Approved.

2.9 Approval to amend an agreement for Phase III, Records and Information Management Project.

Recommendation: Adoption of a resolution authorizing the Director of General Services to negotiate and execute an amendment to the agreement with Helen Streck, dba C & H Solutions to:

- (a) Extend the term of the agreement to June 30, 2002; and
- (b) Add to the scope of work for Phase III deliverables; and
- (c) Increase the compensation by an amount not to exceed \$56,000, for a total contract price of \$200,500.

(General Services)

Resolution No. 70405 adopted.

2 CONSENT CALENDAR

2.10 Approval to purchase two tractors with backhoes for sewer maintenance.

Recommendation: Report on bids and award the purchase of two (2) tractors with backhoes for the Department of Transportation to the lowest responsive bidder, GCS Western Power (Hayward), at a total cost of \$126,380.72, including tax, and authorization for the Director of General Services to execute the purchase order for the:

- (a) Immediate purchase of two (2) units; and
- (b) Subsequent purchase of additional units at the same bid price without further Council action other than the appropriation of necessary funds.

(General Services)

Approved.

2.11 Approval to amend the contract for elevator and escalator maintenance services.

Recommendation: Adoption of a resolution authorizing the Director of General Services to negotiate and execute an amendment to the contract with Millar Elevator Service Company to increase compensation for supplemental services, for unexpected repairs from \$10,000 to \$20,000, for the option period December 1, 2000 to November 30, 2001, for a total contract amount during the option period not to exceed \$162,266.

(General Services)

Resolution No. 70406 adopted.

2.12 Approval to amend the agreement with The Billy DeFrank Lesbian and Gay Community Center.

Recommendation: Approval to amend the term of the existing agreement with The Billy DeFrank Lesbian and Gay Community Center, from July 1, 2001 to June 30, 2002, at no additional cost. Council District 6. (Parks, Recreation and Neighborhood Services)

Approved.

2.13 Approval to extend the grant agreement for the implementation of the University Neighborhood Revitalization Plan.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute a continuation agreement with Community Foundation Silicon Valley on behalf of the University Neighborhoods Coalition for implementation of the University Neighborhood Revitalization Plan, in an amount not to exceed \$360,210, for the period December 1, 1999 to June 30, 2002. Council District 3. (Parks, Recreation and Neighborhood Services)

Resolution No. 70407 adopted.

2 CONSENT CALENDAR

2.14 Approval of award of contract for the Central Service Yard Emergency Generator Project.

Recommendation: Report on bids and award of contract for the Central Service Yard Emergency Generator Project to the low bidder, Steiny and Co., Inc., in the amount of \$270,620, and approval of a contingency in the amount of \$30,000. CEQA: Exempt. (Public Works)

Deferred to 6/26/01.

2.15 Approval of award of contract for the Conventions, Arts and Entertainment - Door Hardware Package Project.

Recommendation: Report on bids and award of contract for the Conventions, Arts and Entertainment - Door Hardware Package Project to the low bidder, Electronic Lock Services, for the base bid and Add Alternate Nos. 1 and 2, in the amount of \$184,894.65, and approval of a contingency in the amount of \$10,000. CEQA: Exempt. Council District 3. (Public Works)

Approved.

2.16 Approval of an agreement for landscape architectural services for park and recreation projects.

Recommendation: Approval of a continuation of the amended master agreement for landscape architectural consultant services with the beals group, inc. for various park and recreational projects, for an extension of time, from March 31, 2001 to January 31, 2002, at no additional cost to the City. (Public Works)

Approved.

2 CONSENT CALENDAR

2.17 Approval of an agreement for traffic calming and school access enhancement services.

Recommendation: Adoption of a resolution:

- (a) Authorizing the City Manager to negotiate and execute an agreement with Alta Transportation Consulting, Inc., a California corporation, for school access enhancement services, for the period June 1, 2001 to May 31, 2002, in an amount not to exceed \$250,000.
- (b) Authorizing the City Manager to exercise three one-year options to extend the term of the agreement with Alta Transportation Consulting, Inc., a California corporation, at an adjustment rate equal to the Consumer Price Index for the San Francisco-Oakland-San José area, not to exceed seven percent (7%) per year, for a total amount not to exceed \$860,000, without further Council action other than the appropriation of necessary funds.

(Transportation)

Resolution No. 70410 adopted, approving Part (a) as proposed, and approving Part (b) with a provision that the options could not be exercised without Council authorization; and Staff was directed to work with the School Districts to establish a process of mutual assessment to determine which schools warrant priority status.

2.18 Appointments to the Downtown Parking Board.

Recommendation: Approval of appointments to the Downtown Parking Board.

(Mayor)

(Rules Committee referral 6/6/01)

Council approved the following appointments to the Downtown Parking Board: Andrew Bales, Arts and Events Representative; Mike Ellzey, At-Large member, and current Chair; Ric Abeyta, San José State University representative and current Vice-Chair, and Janis Gemignani, At-Large Member, as recommended by Mayor Gonzales' June 8, 2001 memorandum.

2.19 Approval to initiate a General Plan Amendment.

Recommendation: Approval to initiate a General Plan Amendment to the Land Use Transportation Diagram from medium density residential to medium low density residential, for an area generally bounded by Elm St., Emory, Stockton, West Taylor, The Alameda, and West Hedding. (Yeager)

(Rules Committee referral 6/6/01)

Approved.

2 CONSENT CALENDAR

2.20 Approval for Council consideration and to set public hearings regarding the reorganization and annexation of land.

Recommendation:

- (a) Adoption of a resolution initiating proceedings and setting June 26, 2001, at 7:00 p.m. for a public hearing on the reorganization of territory designated as Riverside No. 49 which involves the annexation to the City of San José of approximately 10.47 acres of land, located on the westerly side of Monterey Highway, between Metcalf and Blanchard Roads and the detachment of the same from the Central Fire Protection District and County Library Service Area. CEQA: Resolution No 65459.

Resolution No. 70408 adopted.

- (b) Adoption of a resolution initiating proceedings and setting June 26, 2001, at 1:30 p.m. for Council consideration on the reorganization of territory designated as Edenvale No. 22 which involves the annexation to the City of San Jose of 43.7 gross acres, located at the north side of Hillsdale Avenue opposite Vistapark Drive and the detachment of the same from the Central Fire Protection District and the Santa Clara County Library Services Area. CEQA: Resolution No. 70194.

(Planning, Building and Code Enforcement)
(Rules Committee referral 6/6/01)

Resolution No. 70409 adopted.

END OF CONSENT CALENDAR

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session, Mayor Gonzales, Chair No report.

3.2 Report of the Rules Committee – May 30, 2001 Vice Mayor Shirakawa, Jr., Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
(b) City Council

- (1) Review June 12, 2001 Draft Agenda
The Committee approved the June 12, 2001 Council agenda.

- (2) Add New Items to June 5, 2001 Amended Agenda
The Committee recommended five additions to the June 5, 2001 City Council Agenda.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – May 30, 2001 (Cont.)

Vice Mayor Shirakawa, Jr., Chair

(c) City Council Committees

(1) Amendments to Council Committee Agendas

- (a) Finance and Infrastructure Committee
None filed.

- (b) Economic Development and Environment Committee
The Committee recommended an addition to the June 4, 2001 agenda, entitled: “Status Report on the implementation of the 1999-04 five-year spending and operations plan for affordable housing.”

- (c) Education, Neighborhoods, Youth, and Seniors Committee
None filed.

- (d) Ad Hoc Traffic Calming Advisory Committee
The Committee recommended an addition to the June 14, 2001 agenda, entitled: “Review of NASCOP Police (Transportation).”

(d) Meeting Schedules

- (1) Confirm Study Session on Mixed Use/Retail to be held on June 7, 2001, 8 a.m.-noon, in Council Chambers

The Committee confirmed scheduling a Redevelopment Agency Study Session on Mixed Use/Retail on June 7, 2001, 8:00 a.m. to noon in Council Chambers.

- (e) The Public Record – May 16 to May 22, 2001
The Committee noted and filed the Public Record.

- (f) Boards, Commissions and Committees
There were none.

- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee

- (1) Referral to the City Manager and City Attorney to study several issues related to rental and tenant housing issues and report back to the Economic Development and Environment Committee

The Committee referred the issues to the City Manager and the City Attorney and directed the City Manager to report back to the Rules Committee on June 13, 2001, regarding an assessment of the time and resources involved to complete the request.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – May 30, 2001 (Cont.)

Vice Mayor Shirakawa, Jr., Chair

(h) Administrative Reviews and Approval

There were none.

(i) Oral communications

William Garbett commented on meeting cancellation and City hiring policies.

(j) Adjournment

The meeting adjourned at 2:50 p.m.

Rules Committee report and actions of May 30, 2001 accepted.

3.3 Report of the Finance and Infrastructure Committee

Council Member Dando, Chair

No report.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Economic Development & Environment Committee

Council Member Williams, Chair

No report.

4.2 Approval of various actions for the HomeSafe San José Housing Development.

Recommendation: Adoption of a resolution approving business terms for:

(a) An acquisition/predevelopment loan of up to \$1,230,478 and a conditional loan of up to \$750,000 to Charities Housing Development Corporation (CHDC), or its designated affiliate for the development of the 25-unit HomeSafe-San José housing project affordable to extremely low-income households.

(b) Approving an additional fund reservation of up to \$2,519,522 for construction financing for the project.

Council District 5. (Housing)

Resolution No. 70411 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.3 Approval to increase the income limit for second-mortgage assistance in the Crescent Parc Project.

Recommendation: Adoption of a resolution approving the increase of the income limit from 110% to 120% of Area Median Income for households to receive City second-mortgage assistance in the Crescent Parc Project (formerly Midtown Townhouse), located on the north side of Auzerais Avenue, between Meridian Avenue and Race Street. Council District 6. (Housing)

Resolution No. 70412 adopted.

4.4 Approval of agreements to provide Materials Testing, Construction Inspection, and Surveying Services.

Recommendation: Approval of agreements with the City of Campbell for the City of San José to provide services listed below for the period June 12, 2001 to December 31, 2002:

- (a) Materials Testing Services in an amount not to exceed \$450,000;
 - (b) Construction Inspection Services in an amount not to exceed \$280,000; and
 - (c) Surveying Services in an amount not to exceed \$225,000.
- (Public Works)

Approved.

4.5 Approval of an additional fund reservation for Phase II of the Monte Vista Gardens Senior Apartments Development.

Recommendation: Adoption of a resolution approving an additional fund reservation of up to \$565,000, for a total City funding commitment of \$2,514,000, to ROEM Development Corporation, or its designated partnership, for the development of the 49-unit Phase II of the Monte Vista Gardens Senior Apartments development with units affordable to low- and very low-income households on a 1.24-acre site located on the west side of South Capitol Avenue, north of Lombard Avenue. Council District 5.

CEQA: Negative Declaration. (Housing)

(Rules Committee referral 6/6/01)

Resolution No. 70413 adopted.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee Council Member Chavez, Chair

No report.

5 RECREATION & CULTURAL SERVICES

5.2 Approval of agreement related to Community Based Aftercare Program for parents and at-risk youth.

Recommendation:

- (a) Approval of an agreement with the County of Santa Clara accepting a Community Based Aftercare Program subgrant in the amount of \$900,000, for the period May 15, 2001 through June 30, 2002.

Approved.

- (b) Adoption of a resolution authorizing the City Manager to negotiate and execute grant agreements with service providers to provide services to parents and at-risk youth, in an amount not to exceed \$800,000.

(Parks, Recreation and Neighborhood Services)

Resolution No. 70414 adopted.

6 TRANSPORTATION SERVICES

6.1 Traffic Calming Advisory Committee (Ad Hoc) Council Member Reed, Chair

No report.

6.2 Approval of award of contract for the Meridian Avenue Soundwall Project.

Recommendation: Report on bids and award of contract for the Meridian Avenue Soundwall Project, a sound barrier from Portobello Drive to Route 85, to the low bidder, George Bianchi Construction, Inc., in the amount of \$167,902, and approval of a contingency in the amount of \$16,800. CEQA: Exempt. Council District 9. (Public Works)

Approved.

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Public Hearing on the Commercial Solid Waste Collection Franchise application of All Points Roll Off, Inc.

Recommendation: PUBLIC HEARING on the Commercial Solid Waste Collection Franchise application of All Points Roll Off, Inc., approval of ordinance granting the franchise, and approval of Commercial Solid Waste Collection Franchise agreement with All Points Roll Off, Inc. (Environmental Services)

Commercial Solid Waste Collector Franchise agreement with All-Points Roll-Off, Inc., approved, and Ordinance No. 26410 passed for publication.

7 ENVIRONMENTAL & UTILITY SERVICES

7.2 Approval to transmit City comments to the Regional Water Quality Control Board on its proposed regulations on storm water runoff from new development.

Recommendation: Acceptance of the report and authorization of the submission of the comments to the San Francisco Bay Regional Water Quality Control Board addressing the proposed New Development and Redevelopment Requirements of the Stormwater National Pollutant Discharge Elimination System (NPDES) Permit, dated May 18, 2001. (Environmental Services)

Approved.

7.3 Public Hearing on the establishment of an Underground Utility District at King Road.

Recommendation: PUBLIC HEARING and approval of an ordinance establishing an Underground Utility District at King Road, from Story Road to Marsh Street. CEQA: Exempt. Council District 7. (Public Works)

Ordinance No. 26411 passed for publication.

7.4 Approval of award of contract for the Almaden Boulevard Sanitary Sewer Rehabilitation Project.

Recommendation: Report on bids and award of contract for the Almaden Boulevard Sanitary Sewer Rehabilitation Project to the low bidder, Wesco Infrastructure Technologies, in the amount of \$683,105, and approval of a contingency in the amount of \$69,000. CEQA: Exempt. Council District 3. (Public Works)

Approved.

8 AVIATION SERVICES

9 PUBLIC SAFETY SERVICES

9.1 Approval to purchase defibrillator/monitors for the Fire Department.

Recommendation: Award the purchase of defibrillator/monitors for the Fire Department to Medtronic Physio-Control, for a total cost of \$1,300,392.20, including tax, and authorization for the Director of General Services to execute the purchase order for the:

- (a) Immediate purchase of 51 defibrillator units and accessories; and
- (b) Subsequent purchase of defibrillators and accessories at the same unit price without further Council action other than the appropriation of the necessary funds.

(General Services)

Approved.

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

COUNCIL CONVENED THE REDEVELOPMENT AGENCY BOARD AT 2:35 P.M. TO CONSIDER ITEMS 10.1 AND 10.2 IN A JOINT SESSION

ITEMS 10.1 AND 10.2 HEARD TOGETHER.

10.1 Approval of the Mayor's Proposed Budget Modifications.

Recommendation: Approval of the Mayor's Proposed Budget Modifications for the City of San José and the Redevelopment Agency of the City of San José for Fiscal Year 2001-2002. (Mayor)

Council approved Mayor Gonzales' Proposed Budget Modifications message dated June 6, 2001, providing directions to City Council Appointees for purposes of adopting a final budget for FY 2001-2002 and authorizing the City Manager and Redevelopment Director to negotiate and execute any specific contracts in that direction; and recommending changes to Manager's Budget Addenda (MBAs) Nos. 1, 3, 30, 33, 35, 37, 42, 45, 46 and 47 for incorporation into the Adopted Budget, except to the extent they are superseded by the contents of the Mayor's Budget Message.

10.2 Approval of the FY 2001-2002 Operating and Capital Budgets for the City of San José and Redevelopment Agency and Schedule of Fees and Charges.

Recommendation:

- (a) Adoption of resolutions by the City Council approving:
 - (1) Operating Budget for Fiscal Year 2001-2002 for the City of San José.
Resolution No. 70415 adopted.
 - (2) Capital Budget for Fiscal Year 2001-2002 for the City of San José.
Resolution No. 70416 adopted.
 - (3) Five (5) Year Capital Improvement Program for Fiscal Year 2002-2006 for the City of San José.
Resolution No. 70417 adopted.
 - (4) Adoption of a resolution establishing the Schedule of Fees and Charges for Fiscal Year 2001-2002.
Resolution No. 70418 adopted.
 - (5) Adoption of a resolution establishing fees and charges for recreational and park activities.
Resolution Nos. 70419 adopted.

(Item continued next page)

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

ITEMS 10.1/10.2 (Cont'd.):

10.2 Approval of the FY 2001-2002 Operating and Capital Budgets for the City of San José and Redevelopment Agency and Schedule of Fees and Charges

Recommendation:

- (b) Adoption of resolutions by the Agency Board approving:
 - (1) Operating Budget for Fiscal Year 2001-2002 for the Redevelopment Agency of the City of San José.
Agency Resolution No. 5168 adopted.
 - (2) Capital Budget for Fiscal Year 2001-2002 for the Redevelopment Agency of the City of San José.
Agency Resolution No. 5169 adopted.
 - (3) Five (5) Year Capital Improvement Program for Fiscal Year 2002-2006 for the Redevelopment Agency of the City of San José.
(City Manager's Office/Redevelopment Agency)
Agency Resolution No. 5170 adopted.

Council (1) approved Vice Mayor Shirakawa Jr.'s memorandum dated June 12, 2001, recommending a one-time transfer from the Anti-Tobacco/Health category to the Education/Health category and adding Projects 120, 133 and 128; (2) referred MBA #35 to the Administration for clarification and report back; (3) referred to the Redevelopment Agency the issue raised at the June 11, 2001 Public Hearing of the possible closure of the San José Medical Center and authorized Council Members Chavez and Yeager to meet with Santa Clara County representatives about options to keep the hospital and its trauma center open; and (4) directed the City Attorney to report back with parameters on policy options for the MBE/WBE program as referenced in Item 9(b) in Mayor Gonzales' June 6, 2001 memorandum.

COUNCIL ADJOURNED REDEVELOPMENT AGENCY BOARD PORTION OF THE MEETING AT 3:42 P.M.

- **Closed Session Report**

City Attorney Doyle disclosed the following Closed Session actions of June 12, 2001.

A. Authority to Enter Litigation Cases as *Amicus Curiae*:

1. **Case Name:** *Pleasant Hill Bayshore Disposal, Inc. v. Chip-It Recycling, Inc., et al.*

Adverse Party or Parties: Chip-It Recycling, Inc., et al.

Substance of litigation: This is an action for injunctive relief seeking to prohibit a hauler of construction demolition debris from violating an exclusive franchise. The validity of the exclusive franchise is at issue:

Council Vote: **Ayes:** Campos, Cortese, Dando, Diquisto, LeZotte, Reed, Shirakawa, Jr., Williams, Yeager; Gonzales.

Noes: None.

Absent: Chavez.

Abstain: None.

- **Open Forum—Heard jointly with Redevelopment Agency Public Discussion.**

- (1) **Ellen Tanno spoke on citizen rights issues.**
- (2) **Ross Signorino complimented Environmental Services Director Mosher and City Auditor Gerald Silva for excellence in the performance of their duties.**
- (3) **Pete Campbell spoke on the Palladium Redevelopment Agency project.**

- **Adjournment**

Council adjourned at 4:00 P.M.